

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION DIVISION**

LITTLE ROCK SCHOOL DISTRICT

PLAINTIFF

V.

NO. 4:82CV00866DPM

**PULASKI COUNTY SPECIAL SCHOOL
DISTRICT NO. 1, ET AL.**

DEFENDANTS

MRS. LORENE JOSHUA, ET AL.

INTERVENORS

**PCSSD'S SUPPLEMENTAL STATUS REPORT FOR THE
SEPTEMBER 8, 2017 STATUS CONFERENCE**

I. FACILITIES

After completing the successful opening of school, the new administration has turned its attention to assessing the status of various projects ongoing in the PCSSD including the status of construction of a new Mills High School, the conversion of the old Mills High School to a new middle school, the demolition of Fuller Middle School and the construction of the new Robinson Middle School. Both the new Mills and Robinson projects involve the construction of athletic facilities which are required to be at least equivalent to those constructed at Maumelle High School. Both facilities appear to be at least equivalent to or exceed the athletic facilities at Maumelle High School. However, there are indications, which are being evaluated and further explored, that certain aspects of the facilities at Robinson may involve features that could be subjectively if not objectively regarded as superior to certain of those at Mills.

The Administration doubts that it can make a definitive report to the Court and the parties by the time of the status conference scheduled for September 8, 2017. However, the District has concluded that it would be prudent to inform the Court and the parties about the items it is currently investigating.



Issues being evaluated include:

1. Whether or not there are size differences in the weight rooms, indoor practice facilities and coaches and athletic personnel offices which need to be further assessed and addressed if necessary.
2. Whether or not there are differences in interior finishes, including wall, ceiling and floor treatments that need to be further assessed and addressed if necessary.
3. Whether or not there are differences in lighting and window placement in the athletic facilities being constructed that are of sufficient magnitude as to require further assessment and further address if necessary.
4. Why the athletic facilities at Robinson are currently being utilized but those at Mills are not? (This is probably explained by a granite out crop that was encountered during construction at Mills)
5. Overall, whether or not the expenditures currently budgeted for Mills High School, when completed, comport with this Court's Order of January 12, 2015, which Order approved the motion of the District proposing the expenditure of "circa \$50,000,000" for the new Mills High School and "circa \$5,000,000" for the conversion of Mills High School to a middle school? Whether or not the District is keeping separate, to the extent separation is required, approximately \$15,350,000 in final year "desegregation funding" and devoting those dollars exclusively to the Mills projects.

Thus far the questions that have arisen are limited to the athletic facilities at the two schools. Construction of the academic facilities has not yet progressed to the point where the District is unable to remedy any equitable issues that might be present in the construction plans. Those are being assessed and addressed.

The District has now met twice with the architects for the Mills projects. The District has received reasonable assurances that, if necessary, additional windows can be added to the indoor practice facility at Mills, that the lighting and light fixtures can be enhanced at Mills to bring them on par with those at Robinson and that the concrete columns can still be wrapped in sheet rock at Mills although the architects differ as to whether or not this is a wise or prudent move in any event.

The Maumelle athletic facilities will overall be inferior to those at Mills because Mills will have an indoor practice facility as well as a track and Maumelle has neither. It is the understanding of the administration that the design for the Mills athletic facilities began by using the Maumelle facilities as a starting point.

More broadly the administration is investigating:

1. What has been spent to date at Mills? What has been spent to date at Robinson?
2. What were the original budgets for each project?
3. Have the respective budgets changed, who proposed the changes and who approved the changes?
4. We understand that the original design of Mills that was presented to the Advisory Board and the Commissioner has been changed. When did the Advisory Board and the Commissioner approve the changes?
5. What can be done at this stage to equalize the projects if in fact they are not substantially equal in terms of expenditures overall?
6. Again, it appears to the administration that at this stage overall the athletic facilities at Mills are not as refined as those at Robinson and are behind the completion date for those projected at Robinson. However, the administration is working to determine and reassure the

public, the parties and the Court that once completed the overall facilities, which, after all, are primarily the academic components of those facilities, will be equalized.

7. What can we do at this point to make sure we have complied with the January 12, 2015 Order of Judge Marshall?

II. PRELIMINARY FINDINGS

On June 9, 2015, the District filed an application for a permit to issue bonds with the State Board of Education in the amount of \$56,265,000 for the purpose of equipping school facilities, constructing a new Mills High School and converting and renovating the existing Mills High School to a middle school (\$55,000,000) and to pay the cost of issuance and underwriters discount. The application further provided that any remaining funds will be used for other capital projects and equipment.

On June 9, 2015, the Superintendent and Commissioner both approved a resolution authorizing the issuance of second lien bonds for the construction of a new Mills High School and the renovation of the current Mills High School Facility for use by Fuller Middle School.

It appears that on March 14, 2016, the architects for Mills were directed to work toward a \$35,000,000 construction budget for the new Mills high School. The District is inquiring further as to how that figure was derived and the authority for that directive.

On March 15, 2016, the Superintendent and Commissioner approved a recommendation to construct the Mills High School replacement project and to convert the existing high school into a middle school and to demolish the existing Fuller Middle School and to also construct a new Middle School and campus support facilities for the Robinson Middle School replacement project reflecting a cost for all projects of \$80,000,000 and describing the funding source as the building fund and second lien bond proceeds.

As to the athletic facilities, the District suggests that the Court authorize Ms. Margie Powell to assist the District in making its current evaluations and assessments and that a report be made to the Court as soon as reasonably practical.

Respectfully submitted,

By:

/s/ M. Samuel Jones, III
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District

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification such to:

All counsel of record

/s/ M. Samuel Jones, III